

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1047 be amended to read as follows:

- 1 Page 2, between lines 30 and 31, begin a new paragraph and insert:
2 "SECTION 3. IC 33-10.1-6-10 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) A clerk of a city
4 court in a county having a population of more than four hundred
5 thousand (400,000) but less than seven hundred thousand (700,000)
6 shall deposit all court costs collected by the clerk in accordance with
7 IC 33-19-1-3. The fees received by the controller from the clerk shall
8 be paid into the city treasury at the time of the semiannual settlement
9 for city revenue.
10 (b) If the party instituting an action or proceeding recovers
11 judgment, the judgment must also include as costs an amount equal to
12 the small claims costs fee **and small claims service fee** prescribed
13 under IC 33-19-5-5.
14 (c) Money paid in advance for costs remaining unexpended at the
15 time an action or proceeding is terminated, whether by reason of
16 dismissal or otherwise, shall be returned to the party or parties making
17 payment. However, this section does not apply to civil actions or
18 proceedings instituted by or on behalf of the state or any of its political
19 subdivisions."
20 Page 3, after line 23, begin a new paragraph and insert:
21 "SECTION 7. IC 33-19-5-5, AS AMENDED BY P.L.164-2002,
22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2003]: Sec. 5. (a) For each small claims action the clerk shall
24 collect from the party filing the action a:
25 (1) small claims costs fee of thirty-five dollars (\$35); **and**
26 (2) **small claims service fee equal to the actual cost of service**
27 **in the small claims action.**
28 However, a clerk may not collect a small claims costs fee **or small**
29 **claims service fee** for a small claims action filed by or on behalf of the
30 attorney general.
31 (b) In addition to a small claims costs fee **and small claims service**

1 **fee** collected under this section, the clerk shall collect the following
 2 fees if they are required under IC 33-19-6:

- 3 (1) A document fee.
- 4 (2) A document storage fee (IC 33-19-6-18.1).
- 5 (3) An automated record keeping fee (IC 33-19-6-19).

6 SECTION 8. IC 33-19-7-1, AS AMENDED BY P.L.39-2002,
 7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2003]: Sec. 1. (a) The clerk of a circuit court shall
 9 semiannually distribute to the auditor of state as the state share for
 10 deposit in the state general fund seventy percent (70%) of the amount
 11 of fees collected under the following:

- 12 (1) IC 33-19-5-1(a) (criminal costs fees).
- 13 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 14 (3) IC 33-19-5-3(a) (juvenile costs fees).
- 15 (4) IC 33-19-5-4(a) (civil costs fees).
- 16 (5) ~~IC 33-19-5-5(a)~~ **IC 33-19-5-5(a)(1)** (small claims costs fees).
- 17 (6) IC 33-19-5-6(a) (probate costs fees).
- 18 (7) IC 33-19-6-16.2 (deferred prosecution fees).

19 (b) The clerk of a circuit court shall semiannually distribute to the
 20 auditor of state for deposit in the state user fee fund established under
 21 IC 33-19-9-2 the following:

- 22 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 23 interdiction, and correction fees collected under
 24 IC 33-19-5-1(b)(5).
- 25 (2) Twenty-five percent (25%) of the alcohol and drug
 26 countermeasures fees collected under IC 33-19-5-1(b)(6),
 27 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- 28 (3) Fifty percent (50%) of the child abuse prevention fees
 29 collected under IC 33-19-5-1(b)(7).
- 30 (4) One hundred percent (100%) of the domestic violence
 31 prevention and treatment fees collected under IC 33-19-5-1(b)(8).
- 32 (5) One hundred percent (100%) of the highway work zone fees
 33 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- 34 (6) One hundred percent (100%) of the safe schools fee collected
 35 under IC 33-19-6-16.3.
- 36 (7) One hundred percent (100%) of the automated record keeping
 37 fee (IC 33-19-6-19).

38 (c) The clerk of a circuit court shall monthly distribute to the county
 39 auditor the following:

- 40 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 41 interdiction, and correction fees collected under
 42 IC 33-19-5-1(b)(5).
- 43 (2) Seventy-five percent (75%) of the alcohol and drug
 44 countermeasures fees collected under IC 33-19-5-1(b)(6),
 45 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

46 The county auditor shall deposit fees distributed by a clerk under this
 47 subsection into the county drug free community fund established under

1 IC 5-2-11.

2 (d) The clerk of a circuit court shall monthly distribute to the county
3 auditor fifty percent (50%) of the child abuse prevention fees collected
4 under IC 33-19-5-1(b)(8). The county auditor shall deposit fees
5 distributed by a clerk under this subsection into the county child
6 advocacy fund established under IC 12-17-17.

7 (e) The clerk of a circuit court shall monthly distribute to the county
8 auditor one hundred percent (100%) of the late payment fees collected
9 under IC 33-19-6-20. The county auditor shall deposit fees distributed
10 by a clerk under this subsection as follows:

11 (1) If directed to do so by an ordinance adopted by the county
12 fiscal body, the county auditor shall deposit forty percent (40%)
13 of the fees in the clerk's record perpetuation fund established
14 under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the
15 county general fund.

16 (2) If the county fiscal body has not adopted an ordinance under
17 subdivision (1), the county auditor shall deposit all the fees in the
18 county general fund.

19 (f) The clerk of the circuit court shall semiannually distribute to the
20 auditor of state for deposit in the sexual assault victims assistance fund
21 established under IC 16-19-13-6 one hundred percent (100%) of the
22 sexual assault victims assistance fees collected under IC 33-19-6-21.

23 (g) The clerk of a circuit court shall monthly distribute to the county
24 auditor the following:

25 (1) One hundred percent (100%) of the support and maintenance
26 fees for cases designated as non-Title IV-D child support cases in
27 the Indiana support enforcement tracking system (ISETS)
28 collected under IC 33-19-6-5.

29 (2) The percentage share of the support and maintenance fees for
30 cases designated as IV-D child support cases in ISETS collected
31 under IC 33-19-6-5 that is reimbursable to the county at the
32 federal financial participation rate.

33 The county clerk shall monthly distribute to the office of the secretary
34 of family and social services the percentage share of the support and
35 maintenance fees for cases designated as Title IV-D child support cases
36 in ISETS collected under IC 33-19-6-5 that is not reimbursable to the
37 county at the applicable federal financial participation rate.

38 **(h) The clerk of a circuit court shall monthly distribute to the**
39 **county auditor one hundred percent (100%) of the small claims**
40 **service fee under IC 33-19-5-5(a)(2) for deposit in the county**
41 **general fund.**

42 SECTION 9. IC 33-19-7-2 IS AMENDED TO READ AS
43 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. The clerk of a circuit
44 court shall forward the county share of fees collected to the county
45 auditor in accordance with IC 33-19-1-3(a). The auditor shall retain as
46 the county share twenty-seven percent (27%) of the amount of fees
47 collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) ~~IC 33-19-5-5(a)~~ **IC 33-19-5-5(a)(1)** (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

SECTION 10. IC 33-19-7-3, AS AMENDED BY P.L.98-2000, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) The qualified municipality share to be distributed to each city and town maintaining a law enforcement agency that prosecutes at least fifty percent (50%) of its ordinance violations in a circuit, superior, or county court located in the county is three percent (3%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) ~~IC 33-19-5-5(a)~~ **IC 33-19-5-5(a)(1)** (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The county auditor shall determine the amount to be distributed to each city and town qualified under subsection (a) as follows:

STEP ONE: Determine the population of the qualified city or town.

STEP TWO: Add the populations of all qualified cities and towns determined under STEP ONE.

STEP THREE: Divide the population of each qualified city and town by the sum determined under STEP TWO.

STEP FOUR: Multiply the result determined under STEP THREE for each qualified city and town by the amount of the qualified municipality share.

(c) The county auditor shall semiannually distribute to each city and town described in subsection (a) the amount computed for that city or town under STEP FOUR of subsection (b).

SECTION 11. IC 33-19-7-4, AS AMENDED BY P.L.1-2002, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) ~~IC 33-19-5-5~~ **IC 33-19-5-5(a)(1)** (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) ~~IC 33-19-5-5~~ **IC 33-19-5-5(a)(1)** (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) ~~IC 33-19-5-5~~ **IC 33-19-5-5(a)(1)** (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.
- (5) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town

- 1 general fund."
- 2 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1047 as printed April 4, 2003.)

Senator LONG